



# MISSOURI PROSECUTOR

## CASELAW INDEX

### UNITED STATES SUPREME COURT

*Georgia v. Randolph*—Search and Seizure—Consent  
*Holmes v. South Carolina*—Evidence

### MISSOURI SUPREME COURT

*Paul T. Goodwin v. State of Missouri*—Death Penalty—Mental Retardation  
*State of Missouri v. Vincent McFadden*—Batson Challenge  
*State ex rel. Sandra Kemper v. Honorable David Lee Vincent*—Double Jeopardy

### MISSOURI EASTERN DISTRICT

*Albert E. Hall v. State of Missouri*—Sentence Corrected  
*State of Missouri v. Michael Box*—No Second Appeal from Same Judgment  
*David Simmons v. State of Missouri*—Trial Court had no Jurisdiction over Motion  
*James Guynes v. State of Missouri*—Postconviction Motions  
*State of Missouri v. Charles Lynch*—Appeals  
*State of Missouri v. John E. Childers, Sr.*—Appeals  
*State of Missouri ex rel. Jason M. Devlin v. Honorable Keith M. Sutherland*—Venue  
*State of Missouri v. John Burgin—Sexual Misconduct Involving a Child*—Constitutionality

### MISSOURI WESTERN DISTRICT

*Gregory Mason v. State of Missouri*—Request for Treatment Futile  
*Gary Edgington v. State of Missouri*—Motion did not Allege Abandonment  
*Richard E. Johnson, Jr. v. State of Missouri*—Trial Court had Jurisdiction over Motion  
*Curtis W. Petree v. State of Missouri*—Probation Revocation Hearing  
*State of Missouri v. Gregory N. Grondman*—Jury Selection—Rehabilitation

### MISSOURI SOUTHERN DISTRICT

*Randall Copeland v. State of Missouri*—"Maybe" is not the Standard for Deciding Motion  
*State of Missouri v. Katherine Herd*—Stealing—Sufficiency of Evidence  
*State of Missouri v. Justin Robinson*—Hearsay  
*John W. Crowder v. State of Missouri*—Postconviction Motions  
*Cortez D. Pargo v. State of Missouri*—Postconviction Motions

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Volume 13, Issue 5

## INSIDE THIS ISSUE:

Announcements	1-3
Legislative News	4-6
Caselaw Update	7-12
Prosecutor Profile— Jim Gray	13
<i>What Do Prosecutors Do?</i> by Bob McCulloch	14-15
Training Calendar	16-17
DWI/Vehicular Homicide Training Registration	18
Trial School Registration	19



## State of Missouri—Crime Victim's Rights Week Ceremony

Victims groups and communities across America joined April 23-29, 2006 in recognition of National Crime Victims' Rights Week. The ceremony at the Capitol rotunda on April 27, marked the 26th anniversary of a concerted national effort to promote victims' rights and services and educate communities about the impact of crime.

MAPA President & Moniteau County Prosecutor, John Kay, was a featured speaker at an event coordinated by the Missouri Department of Public Safety, Office for Victims of Crime. In his speech, Kay saluted victims for their bravery and courage and, on behalf of all Missouri prosecutors, offered this message in their honor: "You are what inspires us to better public service. To you we reaffirm our dedication and our support. We stand with you."

Crime statistics show that each week in Missouri an average of seven murders, 27 forcible rapes, 136 robberies, 402 aggravated assaults, 806 burglaries, 2,229 thefts, 624 incidences of domestic violence, nearly one domestic violence homicide, nearly one child abuse death, 178 cases of child abuse and neglect are committed and eight people die in DWI incidents.

**Re: SENTENCING RECOMMENDATIONS  
TRAINING SEMINAR**

Dear Prosecuting Attorneys,

It is my pleasure to invite you to attend the Missouri Sentencing Advisory Commission's Sentencing Recommendations Training Seminar on Monday, June 26, 2006 in Columbia, MO. The training will run from 9:45 am to 3:00 pm, and lunch will be provided. In addition, CLE credits will be available.

This is an opportunity for you to gain an in-depth understanding of the new Sentencing Assessment Reports, the impact of the SAR and how they can benefit and assist you, and the Automated Sentencing information feature on our interactive Web site, <http://www.mosac.mo.gov>. There is a link on the MOSAC Web site for registration and information.

As part of the training, the Commission would like to request that you respond to a Sentencing Assessment Report survey administered by the Institute of Public Policy at the University of Missouri. This will provide us with critical feedback about its utility. The survey will be forwarded to you in a couple of weeks. We would appreciate your participation.

Michael A. Wolff, Chief Justice  
Supreme Court of Missouri

**DRUG RECOGNITION EXPERT  
CONFERENCE**

The 12th Annual Drug Recognition Expert Conference will be held in Kansas City on June 14-16, 2006. This conference is sponsored by the International Association of Chiefs of Police and covers topics relating to drug impaired driving and drug recognition experts. There is generally a track dealing with the prosecution of these cases. The conference has been approved for 17 hours of Missouri CLE. If you would like more information regarding this conference, you may contact Susan at the MOPS office.

**MOPS 2006 TRIAL  
SCHOOL**

Trial School will be held July 31-August 3, in Jefferson City. Experienced prosecutors will lecture on aspects of a criminal trial and attendees will break into small groups to discuss and practice the various trial segments. Attendees will be critiqued by experienced trial attorneys and will have the ability to practice their advocacy skills in small group settings. The presentations by attendees will be videotaped for critiquing purposes. **Attendance at all sessions is mandatory.**

**Applications must be received at the MOPS office by June 16, 2006.** (Registration form on [page 19](#).)

**PROSECUTORS'  
STRATEGIES IN  
CHILD ABDUCTION CASES**

This course is intended for local, state, and federal prosecutors who handle child abduction cases. It covers unique aspects of prosecuting family abduction and stranger abduction cases. In addition, prosecutors will learn when and how to use civil law to resolve interstate and international family abduction cases. Two statutory mechanisms will be highlighted: the Hague Child Abduction Convention, and the innovative civil provisions of the UCCJEA -- recently enacted across the country -- that allow prosecutors to locate and recover children in abduction and custody enforcement cases. Child-sensitive guidance will be provided on interviewing abducted children and on recovery and reunification techniques.

Courses will be held June 27-28 in New Brunswick, NJ; September 19-20 in Washington, D.C.; and December 5-6 in LaJolla, CA.

This Course is offered free of charge and nearly all travel and lodging expenses are covered as well.

For more information about the course, please visit <http://www.amber-net.org>. Click on **PROSECUTORS**.



## NCPIC Set to Roll Out New Web Site

The National Center on Prosecution of Identity Crime (NCPIC) will soon unveil its Web site as a sub-domain of the National District Attorneys Association (NDAA) and the American Prosecutors Research Institute's (APRI) main Web site, <http://www.ndaa-apri.org>. The NCPIC Web site will act as a clearing house of information for prosecutors pursuing identity theft and financial identity fraud cases. It will list upcoming trainings, current and future publications, statutory identity theft tables, contact information for technical assistance and links to other resources for combating identity related crimes. Content on the NCPIC site will reflect current developments in new identity theft and financial identity fraud law.

Several identity theft unit prosecutors have identified information gathering as an up-front stumbling block to pursuing identity crimes. In response to this concern, NCPIC has obtained contact information for financial institution fraud units and will post this information on the Web site for the convenience of professionals involved in these cases. Several financial institution partners of NCPIC have been instrumental in collecting and verifying this information for the Web site. Now, with one simple phone call to a financial institution, a prosecutor's or investigator's request for information or assistance can be routed internally from that single contact point. The point of contact list will curtail the time and effort currently required to accomplish even the simplest of tasks. If successful, the point of contact list will be expanded and more financial institutions added in the future.

For more information on prosecuting identity theft or identity related crime, please contact Jason Scott, Senior Attorney, NCPIC by sending an e-mail to [whitecollar@ndaa-apri.org](mailto:whitecollar@ndaa-apri.org).

Source: *APRI Highlights—Spring 2006*

## CRIMINAL APPEALS HAS MOVED

The Attorney General's Office Criminal Appeals section is now in the Broadway State Office Building.

**The mailing address is:**

**PO BOX 899**




**JEFFERSON CITY, MO 65102.**

**The street address for over-night packages is:**  
**221 WEST HIGH STREET**  
**JEFFERSON CITY, MO 65101.**

*All phone numbers remain the same.*



## REFERENCE MATERIALS AVAILABLE UPON REQUEST

-  **2005 John M. Morris Missouri Prosecutors Trial Casebook**—available in paper version or on CD-ROM.
-  **Bad Check Prosecution Handbook**—2004 Edition
-  **Missouri Prosecutors Trial Form Book**—2003 Edition—available in paper version or on Floppy Disk.

Call the MOPS office to reserve your copy.



The Association of Government Attorneys in Capital Litigation

AGACL's 27th Annual Conference will be held in San Diego, CA, August 2-5, 2006, at the Holiday Inn on the Bay. The conference program provides training for all government attorneys involved in prosecuting capital cases.

For more information on the conference please visit <http://www.agacl.com/conference.htm>





# LEGISLATIVE NEWS

## "JESSICA'S LAW" - SEXUAL OFFENDERS BILL PASSES

GOVERNOR BLUNT WAS SUCCESSFUL IN GETTING THE GENERAL ASSEMBLY TO ANSWER HIS CALL TO ENACT A "JESSICA'S LAW" IN MISSOURI TO ENSURE SEXUAL PREDATORS RECEIVE TOUGH MANDATORY SENTENCES FOR CRIMES COMMITTED AGAINST CHILDREN.

BOTH LEGISLATIVE BODIES TRULY AGREED AND FINALLY PASSED HOUSE BILL 1698 BEFORE THE CLOSE OF THIS LEGISLATIVE SESSION. THE BILL MANDATES A LIFETIME SENTENCE WITH A MINIMUM OF 30 YEARS SERVED FOR FORCIBLE RAPE OR FORCIBLE SODOMY WHEN THE VICTIM IS YOUNGER THAN AGE 12. THIS PROVISION EXCEEDS THE 25 MANDATORY MINIMUM BLUNT CALLED FOR MORE THAN NINE MONTHS AGO.

THE BILL ALSO STRENGTHENS LAWS PROTECTING CHILDREN FROM PREDATORS WHO MIGHT USE THE INTERNET TO ACCESS VICTIMS. THE BILL SPECIFIES THAT THESE LAWS APPLY EVEN WHEN A SEXUAL PREDATOR IS COMMUNICATING WITH LAW ENFORCEMENT POSING AS A CHILD.

IN ADDITION IT ADDS NEW TOOLS TO THE STATE'S SEX OFFENDER REGISTRY INCLUDING MORE REPORTING DETAILS AND AN 800 NUMBER TO BE OPERATED BY THE HIGHWAY PATROL TO MAKE INFORMATION MORE ACCESSIBLE. UNDER THE LEGISLATION SEX OFFENDER REGISTRIES WOULD NOW SHOW ANY KNOWN ALIAS, ANY AVAILABLE PHOTOS, PHYSICAL DESCRIPTIONS, RELEASE DATE AND OTHER NEW DETAILS IN ADDITION TO INFORMATION CURRENTLY AVAILABLE.

THE BILL COMPLEMENTS LEGISLATION THE GOVERNOR SIGNED LAST YEAR STRENGTHENING MISSOURI'S SEX OFFENDER LAWS AND REQUIRING LIFETIME MONITORING FOR CRIMINALS CONVICTED OF CERTAIN SEX OFFENSES AGAINST CHILDREN AS A CONDITION OF PAROLE. MISSOURI WAS AMONG THE FIRST STATES IN THE NATION TO REQUIRE THE LIFETIME GLOBAL POSITIONING SATELLITE (GPS) TRACKING.

Sexual Offender bill is HB 1698. On the Net: <http://www.house.mo.gov/bills061/biltxt/truly/HB1698T.HTM>. See Bill Summary on pages 5-6 of this newsletter.

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## 2006 LEGISLATIVE SUMMARY

A SUMMARY OF BILLS PASSED THIS LEGISLATIVE SESSION WHICH ARE PERTINENT TO PROSECUTORS CAN BE FOUND ON THE MOPS WEBSITE AT [HTTP://WWW.MOPS.MO.GOV/RESOURCEPUBLICATIONS/LEGISLATIVE\\_SUMMARY\\_2006.PDF](http://www.mops.mo.gov/resourcepublications/legislative_summary_2006.pdf)

PLEASE NOTE THAT THESE ARE SUMMARIES ONLY. IF QUESTIONS ARISE, THE ACTUAL WORDING OF THE BILLS SHOULD BE REFERENCED. BILLS CAN BE ACCESSED AT [HTTP://WWW.HOUSE.MO.GOV/JOINTSEARCH/](http://www.house.mo.gov/jointsearch/).

**CCS SS SCS HCS HB 1698, 1236, 995, 1362 & 1290 --**

**SEXUAL OFFENDERS BILL SUMMARY**

*Copyright (c) Missouri House of Representatives*

This bill changes the laws regarding sexual offenders. In its main provisions, the bill:

- (1) Requires the State Highway Patrol to operate a toll-free telephone number to disseminate information regarding individuals registered as sexual offenders;
- (2) Requires sexual offenders to provide law enforcement officials the date of their birth; their physical description and that of their vehicle; nature and dates of the offenses requiring the offender to register; and the date in which the offender was released from the Department of Health and Senior Services, prison, or jail or placed on parole, supervised release, or probation;
- (3) Requires a licensed health care professional who delivers a baby or performs an abortion to report prima facie evidence of statutory rape or evidence that a patient was the victim of a sexual offense;
- (4) Establishes procedures for search warrants and subpoenas issued for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services, where those records would reveal the identity of the customers using the service;
- (5) Allows the Board of Probation and Parole to access information on the home computer of a registered sexual offender;
- (6) Expands the scope of defendants to whom bail is unavailable to include defendants who have pled guilty to or been found guilty of any sexual offense under Chapters 566, 568, or 573, RSMo, where the victim was younger than 17 years of age when the crime was committed. Currently, bail is not available to defendants under a sentence of death or imprisonment for life;
- (7) Adds child kidnapping to the list of dangerous felony offenses;
- (8) Increases the term of imprisonment for a persistent sexual offender from not less than 30 years to the duration of his or her natural life;
- (9) Specifies that consent is not an affirmative defense to any offense in Chapter 566 if the alleged victim is younger than 12 years of age;
- (10) Increases the penalty from a minimum of five years' imprisonment to a minimum of 30 years for the crimes of forcible rape and forcible sodomy if the victim is younger than 12 years of age. No person found guilty of or pleading guilty to forcible rape, attempted forcible rape, forcible sodomy, or attempted forcible sodomy will be granted a suspended imposition of sentence or suspended execution of sentence;
- (11) Creates the crimes of attempting to commit statutory rape and attempting to commit statutory sodomy;
- (12) Requires that a person who commits child molestation in the first degree, the victim is younger than 12 years of age, and the person has previously been convicted of a sexual offense, inflicts a serious injury, or displays a deadly weapon will be ineligible for probation or parole;
- (13) Expands the crime of sexual contact with a student to include sexual contact with a student of a public school while on public school property by a student teacher, employee of the school, volunteer of the school or of an organization working with the school on a project or program, or a person employed by an entity that contracts with a public school district to provide services;
- (14) Eliminates the act of having deviate sexual intercourse with a person of the same sex from the crime of sexual misconduct in the first degree;
- (15) Expands the crime of sexual contact with a prisoner or offender to include a probation and parole officer who has sexual intercourse or deviate sexual intercourse with an offender who is under the direct supervision of the officer;
- (16) Specifies that no sexual offender will be present or loiter within 500 feet of the real property of any school or in any conveyance owned, leased, or contracted by a school when persons younger than 18 years of age are present unless the offender is a parent, legal guardian, or custodian of the person and has obtained permission from the school administration;

- (17) Increases the penalty for the crimes of enticement of a child and attempting to commit enticement of a child to a term of imprisonment of no less than five years and no more than 30 years;
- (18) Creates the crime of sexual trafficking of a child younger than 12 years of age, a felony punishable by imprisonment for life without eligibility for probation or parole until the defendant has served at least 25 years of each sentence;
- (19) Allows a court to order the dissolution, reorganization, suspension, or revocation of any license or charter surrender of any corporation who has been found guilty of or has pled guilty to certain sexual offenses;
- (20) Creates the crime of promoting travel for prostitution, a class C felony;
- (21) Prohibits travel agencies or charter tour operators from selling, advertising, or offering to sell travel services, tourism packages, or activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution. Violation of this provision will result in the revocation of the articles of incorporation of the travel agency or charter tour operator;
- (22) Creates the crime of aiding a sexual offender, a class D felony;
- (23) Removes any person found guilty of or who pled guilty or nolo contendere to nonsexual child abuse or felonious restraint or kidnapping when the victim was a child and he or she was the parent or guardian of the child from the sexual offender registry;
- (24) Allows any person found guilty of or who pled guilty or nolo contendere to promoting prostitution in the second or third degree, committing a public display of sexual material, or committing statutory rape in the second degree where no physical force or threat of physical force was used in the commission of the crime to petition the court for the removal of his or her name from the sexual offender registry after 10 years have passed from the date he or she was required to register;
- (25) Allows any person found guilty of or who pled guilty or nolo contendere to a sexual offense and who was 19 years of age or younger and the victim was 13 years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the crime to petition the court for the removal of his or her name from the sexual offender registry after two years have passed from when the offender was found guilty or pled guilty or nolo contendere;
- (26) Requires a person seeking removal from the sexual offender registry to notify the prosecuting attorney in the circuit court in which the petition is filed. Failure to notify the prosecuting attorney will result in an automatic denial of the person's petition. If the petition is denied by the judge, the person must wait at least 12 months before petitioning the court again;
- (27) Requires all sexual offender registrants to provide an updated photograph of himself or herself in the month of his or her birth to the chief law enforcement agency in the county of his or her residence;
- (28) Specifies that a person who commits the crime of failing to register or failing to comply with the registration requirements will be guilty of a class A misdemeanor. A second offense will be a class D felony, and a third offense will be punishable by a term of imprisonment of not less than 10 years and not more than 30 years;
- (29) Allows the court to conditionally release a person civilly committed as a sexually violent predator if that person's mental abnormality has changed so that the person is not likely to commit acts of sexual violence if released;
- (30) Establishes a panel which will create a program to award grants to multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement agencies for the salaries of newly hired detectives and computer forensic personnel who investigate Internet sex crimes against children. The panel will include the Director of the Department of Public Safety, two members appointed by the director from a list of nominees submitted by the Missouri Police Chiefs Association, two members appointed by the director from a list of nominees submitted by the Missouri Sheriffs' Association, two members of the State Highway Patrol appointed by the director from a list of nominees submitted by the Missouri State Troopers Association, one member of the House of Representatives appointed by the Speaker, and one member of the Senate appointed by the President Pro Tem. This provision will expire six years from the effective date; and
- (31) Requires the Department of Corrections to notify the State Highway Patrol of any offender who is required to be electronically monitored.

The bill contains an emergency clause.



**The MOPS office has started an index of opinion topics included in the monthly Caselaw Update, beginning with January 2004. If you would like a copy, please contact Sheri at the MOPS office.**

### UNITED STATES SUPREME COURT

#### ► *Search and Seizure—Consent*

**Georgia v. Randolph, No. 04-1067 (U.S.S.C. March 22, 2006).** Defendant's wife gave police permission to search the marital residence after defendant, who was also present, had unequivocally refused to give consent. Defendant was ultimately indicted for possession of cocaine that was found in the search. The trial court denied defendant's motion to suppress. The Georgia Supreme Court disagreed with the trial court finding that the wife's consent to the search did not render it valid in light of defendant's refusal to consent.

The United States Supreme Court held that a physically present co-occupant's stated refusal to permit entry and search renders warrantless entry and search unreasonable and invalid as to that co-occupant. A co-occupant who wishes to bring to light criminal activity may simply give information to police that may be used to secure a warrant.

The Court explicitly noted that this case has no bearing on the capacity of police, at the invitation of one tenant, to enter a dwelling over another tenant's objection in order to protect a resident from domestic violence.

#### ► *Evidence*

**Holmes v. South Carolina, No. 04-1327 (U.S.S.C. May 1, 2006).** At defendant's trial for murder and related crimes, the state relied heavily on forensic evidence indicating his guilt. Defendant sought to introduce evidence that another individual had committed the crime. The trial court excluded this evidence based on a common law evidentiary rule providing that third-party guilt evidence was admissible where it raised a reasonable inference as to the defendant's own innocence but inadmissible where it merely cast a bare suspicion or raised a conjectural inference of someone else's guilt. Because the state in this case had relied on forensic evidence, the state supreme court determined that defendant's proffered evidence did not raise a reasonable inference as to his own innocence. In other words, the court determined that defendant's

third-party guilt evidence could not overcome the forensic evidence against him.

The United States Supreme Court held that a defendant's federal constitutional rights are violated by an evidentiary rule providing that defendant may not introduce evidence of third-party guilt if the prosecution has introduced forensic evidence that, if believed, strongly supports a guilty verdict. Such a rule is arbitrary as it evaluates the strength of only one party's evidence without considering the strength of the other side's evidence to rebut or cast doubt. Thus, such a rule violates a defendant's right to have a meaningful opportunity to present a completed defense.

### MISSOURI SUPREME COURT

#### ► *Death Penalty—Mental Retardation*

**Paul T. Goodwin v. State of Missouri, No. SC 86278 (Mo. banc May 2, 2006).** Defendant was convicted after a jury trial of murder in the first degree and was sentenced to death. The conviction and sentence were affirmed on direct appeal. Thereafter, defendant filed a Rule 29.15 motion for postconviction relief which was denied.

On appeal, the court affirmed the denial of defendant's postconviction motion. The court found that defendant's claim of mental retardation was conclusively refuted by the evidence presented at trial as three experts testified that defendant was not retarded. Trial counsel was not ineffective for failing to shop around for someone that would testify that defendant was retarded. In any event, defendant could not establish that any retardation had been documented before he reached the age of 18. The motion court did not err in discrediting the testimony of one witness who claimed that defendant was retarded because the witness was not qualified as an expert and used unreliable methods to test defendant.

The court also found that trial counsel was not ineffective for failing to rebut the State's evidence as to defendant's motive in killing the victim. Counsel was also not ineffective in failing to present the testimony of a witness regarding a threat made by the defendant against the victim. The proposed testimony would not have impeached the State's evidence and would have been cumulative in nature. Counsel was not ineffective in failing to present additional evidence regarding the victim's cause of death. Defendant conceded that he killed the victim; the proposed evidence would have



served only to reapportion the amount of damage caused by each of his actions.

The court also found that trial counsel was not ineffective in failing to present cumulative evidence of defendant's mental state. It was also not ineffective assistance of counsel to argue at trial that defendant was not guilty by reason of mental disease or defect and to argue in the penalty phase that defendant's inability to conform his conduct to the law should be considered a mitigating factor.

Finally, the court denied defendant's claim that Missouri's method of execution is flawed and that the prosecutor's closing argument was erroneous.

► **Batson Challenge**

**State of Missouri v. Vincent McFadden, No. SC86857 (Mo. banc May 16, 2006).** Defendant was convicted of murder in the first degree and armed criminal action and sentenced to death. On appeal, he claims that the state improperly used five of its nine peremptory challenges to strike African-American venirepersons, leaving only one African-American to serve on the jury. The convictions were reversed and the case was remanded.

The court determined that the trial court clearly erred in overruling defendant's Batson challenge. Although the court found that the stated reasons for the strikes, when examined in isolation, appeared to have some validity, it determined that the totality of the facts and circumstances demonstrated that the reasons were pretextual as the state had failed to strike similarly situated white venirepersons. Thus, the court concluded that the state had exercised its strikes in a racially discriminatory manner.

The dissenting opinion disagreed finding that the majority had selectively identified the applicable law, misapplied the law to the facts, and, in several instances, mischaracterized the facts. The dissenting opinion also determined that the white venirepersons used by the majority for comparison purposes were not, in fact, similarly situated to the African-Americans who were struck.

► **Double Jeopardy**

**State ex rel. Sandra Kemper v. Honorable David Lee Vincent, No. SC87246 (Mo. banc May 16, 2006).** Defendant was charged with murder in the first degree, arson, and three counts of assault in the first degree after her son was killed in a fire. During

the investigation, police officers administered a polygraph examination to defendant. Upon being told that she had failed the test, defendant made two statements in which she admitted that she had started the fire to collect insurance payments. The state introduced these statements at trial along with a detective's statement that she had failed a polygraph test. The defendant then introduced her own polygraph expert who testified that the results of the test indicated that she was being truthful when she denied starting the fire.

The next day, the trial court *sua sponte* revisited the issue of the admissibility of the polygraph test, determined that this evidence was inadmissible, and ordered a mistrial over the defendant's objection. Thereafter, defendant filed a motion to dismiss the charges based on double jeopardy. The trial court overruled this motion.

The Supreme Court determined that the polygraph evidence was properly admissible as evidence of the circumstances surrounding defendant's confessions due to the rule of completeness. Because the defendant confessed only after she was allegedly incorrectly told that she had failed the polygraph, she was entitled to present expert testimony that she did not, in fact, fail the test. This evidence would be necessary to allow a jury to properly assess the credibility of her confession.

Although a retrial in this case would not be barred by the Missouri Constitution's double jeopardy provision which only bars retrial after acquittal, it is barred by the federal constitutional prohibition of double jeopardy. Because the trial court in this case simply changed its mind regarding the admissibility of the polygraph evidence, there was no manifest necessity to declare a mistrial. Thus, a retrial would violate double jeopardy.

It is important to note that the court did not abrogate the general rule that polygraph evidence is inadmissible. Rather, it simply determined that in the limited circumstances here—police told defendant she would pass the test if she told the truth, then told her she failed the test when the results did not support that conclusion, and defendant made statements as a result—the confession would not be able to be introduced at trial without the polygraph evidence also being admissible.





## MISSOURI EASTERN DISTRICT

► ***Postconviction Motions – Sentence Corrected***  
**Albert E. Hall v. State of Missouri, No. ED86029**  
**(Mo. App. E.D. April 25, 2006).** Defendant pled guilty to statutory rape in the first degree. Pursuant to a plea agreement, defendant was to be sentenced as a predatory sexual offender to life imprisonment with a minimum of fifteen years to be served before he would be eligible for parole. The trial court orally pronounced sentence consistent with the plea agreement. However, in its written sentence, the trial court indicated that defendant was a persistent sexual offender.

Defendant filed a Rule 24.035 motion for postconviction relief challenging the inconsistency between the oral and written sentence. He alleged that he was prejudiced by the written sentence because a persistent sexual offender is not eligible for parole. The court agreed finding that when a written sentence differs materially from the oral pronouncement, the oral pronouncement controls. The case was remanded for the limited purpose of correcting the written judgment to reflect the oral pronouncement.

► ***Postconviction Motions – No Second Appeal from Same Judgment***

**State of Missouri v. Michael Box, No. ED85800**  
**(Mo. App. E.D. April 25, 2006).** Defendant was convicted of robbery in the first degree, armed criminal action, burglary in the first degree, felony stealing and exceeding the posted speed limit. His convictions were affirmed on appeal as was the denial of his Rule 29.15 motion for postconviction relief.

Defendant sought further relief arguing that he was abandoned by his postconviction counsel. The court concluded that these claims could have been but were not raised in defendant's Rule 29.15 motion. Therefore, defendant was barred from further litigating these claims under the doctrine of *res judicata*.

► ***Postconviction Motions – Trial Court had no Jurisdiction over Motion***

**David Simmons v. State of Missouri, No. ED86236** (Mo. App. E.D. May 2, 2006). Defendant was convicted of murder in the first degree and burglary in the first degree. His convictions were affirmed on appeal as was the denial of his Rule 29.15 motion for postconviction relief. Thereafter, defendant attempted to reopen his Rule 29.15 motion alleging abandonment by postconviction counsel.

Abandonment occurs only where postconviction counsel fails to timely file an amended motion, fails to amend a *pro se* motion without explanation, or files an amended motion that is so patently defective it amounts to a nullity. None of these situations were alleged in this case. Because defendant did not raise any of the recognized allegations of abandonment, neither the circuit court nor the appellate court had jurisdiction to review his claims. The appeal was dismissed.

► ***Postconviction Motions***

**James Guynes v. State of Missouri, No. ED86515**  
**(Mo. App. E.D. May 16, 2006).** Defendant pled guilty to two counts of criminal nonsupport and unlawful use of a weapon. He filed a Rule 24.035 motion for postconviction relief alleging that his trial counsel was ineffective because he failed to investigate potential witnesses and he had a conflict of interest as he was afraid to take the case to trial.

The court found that defendant's claims were refuted by the record in this case. At his plea hearing, defendant testified that his attorney had done everything he asked him to do and had interviewed all witnesses. Defendant also testified that his attorney did not communicate any threats or promises to him to induce the guilty plea.

► ***Appeals***

**State of Missouri v. Charles Lynch, No. ED 87896**  
**(Mo. App. E.D. May 16, 2006).** Defendant filed a motion to dismiss the charges against him for failure to prosecute and violations of his right to a speedy trial and the Interstate Agreement on Detainers Act. The motion to dismiss was denied by the trial court.

On appeal, the court found that no final judgment had been entered in the case. Thus, the court was without jurisdiction over the appeal. The appeal was dismissed.

► ***Appeals***

**State of Missouri v. John E. Childers, Sr., No. ED87323** (Mo. App. E.D. May 16, 2006). Defendant was convicted of stealing, third offense, and sentenced to twenty years of imprisonment. He thereafter filed a motion for sentence reduction which was denied. Although defendant filed a notice of appeal within ten days after the judgment was entered, he did not pay a docket fee or obtain a waiver thereof until more than one month later. On appeal, the court determined that the notice of appeal was not timely filed.



as defendant had not paid a docket fee or filed a motion to proceed in forma pauperis in a timely manner. The appeal was dismissed.

► **Venue**

**State of Missouri ex rel. Jason M. Devlin v. Honorable Keith M. Sutherland, No. ED87231 (Mo. App. E.D. May 16, 2006).** Defendant stands charged in Montgomery County with one count of statutory sodomy in the second degree, one count of statutory rape in the second degree, and three counts of child molestation in the second degree. On its own motion, the trial court changed venue in the case to Audrain County due to concern about extensive pretrial media coverage of the case. Defendant objected to the change of venue.

The preliminary writ of prohibition was made absolute. A criminal defendant has a right to be tried in the county in which the offense was committed. Because the defendant here did not request a change of venue, none could be granted. The trial must be held in Montgomery County.

► **Sexual Misconduct Involving a Child—Constitutionality**

**State of Missouri v. John Burgin, No. ED86200 (Mo. App. E.D. May 16, 2006).** Defendant was found guilty by a jury of two counts of sexual misconduct involving a child in violation of section 566.083.1(1). The trial court sentenced him to concurrent terms of four years on each count. On appeal, defendant claims that the trial court plainly erred in entering a judgment and conviction under section 566.083.1(1) because this provision was ruled unconstitutional by the Missouri Supreme Court shortly after the conviction.

At trial, the evidence demonstrated that defendant had exposed his penis to two boys, rubbed it, and asked the boys to touch it. Defendant was convicted on April 18, 2005, and filed his notice of appeal on April 22, 2005. On April 26, 2005, the Missouri Supreme Court handed down its decision in *State v. Beine*, 162 S.W.3d 483 (Mo. banc 2005), which invalidated section 566.083.1(1).

A conviction under an unconstitutional statute is void. If there is a change in law after a judgment is rendered by a trial court but before an appellate court has decided the case, the law must be followed or its obligation denied. Because the Missouri Supreme Court found that section 566.083.1(1) was patently unconstitutional as written and did not limit its holding to the

facts therein, the *Beine* case was controlling. Thus, defendant's conviction under an unconstitutional statute was void and was reversed.

**MISSOURI WESTERN DISTRICT**

► **Postconviction Motions – Request for Treatment Futile**

**Gregory Mason v. State of Missouri, No. WD65329 (Mo. App. W.D. May 2, 2006).** Defendant was convicted of two counts of assault in the second degree, leaving the scene of an accident, and driving while revoked. He filed a Rule 29.15 motion for postconviction relief claiming that his trial counsel was ineffective in failing to request that he be placed in a long term drug and alcohol treatment program.

The court found that trial counsel was not ineffective in failing to seek treatment for defendant as he was not an appropriate candidate for such program as defendant continued to deny at sentencing that he had been intoxicated or had been driving the vehicle on the day of the crash. Because defendant denied he had an alcohol addiction, any request that he be placed in treatment would have been denied.

► **Postconviction Motions – Motion did not Allege Abandonment**

**Gary Edgington v. State of Missouri, No. WD65298 (Mo. App. W.D. May 2, 2006).** Defendant was convicted of murder in the second degree and armed criminal actions. His convictions were affirmed on appeal as was the denial of his Rule 29.15 motion for postconviction relief. He thereafter filed a motion to reopen his Rule 29.15 proceeding alleging that he was abandoned by postconviction counsel.

The court found that defendant was not entitled to reopen his Rule 29.15 proceeding. His appointed postconviction counsel filed an amended motion and filed it in a timely manner. Therefore, there was no abandonment. Defendant is really trying to raise a claim of ineffective assistance of postconviction counsel which is categorically unreviewable.

► **Postconviction Motions – Trial Court had Jurisdiction over Motion**

**Richard E. Johnson, Jr. v. State of Missouri, No. WD 64770 (Mo. App. W.D. May 2, 2006).** Defendant pled guilty to one count of rape. He did not appeal, but did file a Rule 24.035 motion for postconvic-



tion relief which was denied. The denial of the Rule 24.035 motion was affirmed on appeal. Defendant then attempted to reopen his Rule 24.035 proceeding alleging that he was abandoned by postconviction counsel.

The court found that because postconviction counsel timely filed an amended motion, there was no abandonment.

► ***Postconviction Motions – Probation Revocation Hearing***

**Curtis W. Petree v. State of Missouri, No. WD65746 (Mo. App. W.D. May 9, 2006).** Defendant plead guilty to the class C felony of possession of a controlled substance, class A misdemeanor of possession of drug paraphernalia, and the class A misdemeanor of possession of a controlled substance. Defendant was sentenced to five years in prison on the felony charge. The trial court suspended execution of this sentence and placed him on probation for a period of five years. The period of probation began on May 28, 1997.

On March 29, 2002, after multiple probation violation reports, the Board of Probation and Parole recommended that defendant's probation be revoked. A hearing on the revocation was scheduled for May 6, 2002. On that date, defendant appeared and requested a continuance to obtain counsel, this request was granted. The hearing was reset for July 1, 2002, continued on the court's motion until September 6, 2002, and then apparently continued again until November 4, 2002. On November 4, 2002, defendant appeared with counsel, his probation was revoked, and execution of his prison sentence was ordered.

Thereafter, defendant filed a Rule 24.035 motion for postconviction relief alleging that the trial court lacked jurisdiction to revoke his probation as his probation had already expired at the time of the revocation hearing. On appeal, the court held that the trial court had retained jurisdiction to revoke defendant's probation as it had affirmatively manifested an intent to revoke the probation and it had made every reasonable effort to notify defendant of that fact.

► ***Jury Selection–Rehabilitation***

**State of Missouri v. Gregory N. Grondman, No. WD64717 (Mo. App. W.D. April 25, 2006).** Defendant was convicted following a jury trial of two counts of statutory sodomy in the second degree and two counts of child molestation in the second degree. On

appeal, he claimed that the trial court erred in failing to strike two venirepersons for cause. During voir dire, the two venirepersons at issue both stated they would take it into account if defendant did not testify in his own behalf. Defendant did not testify at trial.

The court found that both venirepersons made statements that led to doubts about their potential bias. The court also found that the trial court should have conducted independent inquiry to clarify the venirepersons' opinions. Because the trial court did not conduct this inquiry, doubts remained about whether either venireperson was qualified to serve on the jury. Thus, the convictions were reversed, and the case was remanded for a new trial.

### MISSOURI SOUTHERN DISTRICT

► ***Postconviction Motions – "Maybe" is not the Standard for Deciding Motion***

**Randall Copeland v. State of Missouri, No. SD26908 (Mo. App. S.D. April 28, 2006).** Defendant was convicted of statutory sodomy in the second degree. He filed a Rule 29.15 motion for postconviction relief alleging that his trial counsel was ineffective in failing to introduce deposition testimony of the child victim in the case. The motion court agreed and vacated defendant's conviction and sentence. The State thereafter filed an appeal claiming that the motion court used the wrong standard in determining whether defendant was prejudiced and entered insufficient findings of fact and conclusions of law.

On appeal, the court reversed and remanded the motion court's judgment finding that the motion court's findings of fact and conclusions of law were insufficient to permit meaningful appellate review. The court also concluded that the motion court used the wrong standard in determining prejudice as it found that the omitted evidence "may have" allowed the jury to find the defendant not guilty rather than finding a reasonable probability that the result would have been different had the omitted evidence been introduced.

► ***Stealing–Sufficiency of Evidence***

**State of Missouri v. Katherine Herd, No. SD26900 (Mo. App. S.D. April 25, 2006).** Defendant was convicted of one count of the class C felony of stealing. On appeal, she claimed that there was insufficient evidence to show that she had stolen at least \$750 or that she took property with the intent to per-



manently deprive the owner thereof.

The evidence presented at trial indicated that while working as a clerk in a grocery store, defendant repeatedly voided transactions for which no accompanying mistaken transaction had occurred. This resulted in the final total sales recorded on the cash register tape reflecting less than the actual amount of money in the cash drawer. Defendant would then remove the excess money. The owner of the store testified that based upon her examination of defendant's cash register tapes it appeared that defendant had stolen approximately \$12,000. An accountant who examined six months worth of defendant's cash register tapes testified that her tapes contained between \$2,446.82 and \$5,582.46 in unexplained voids.

The court found there was sufficient evidence to support defendant's conviction for stealing despite the difference in these amounts as both individuals had examined defendant's register tapes. The court also found that there was sufficient evidence that defendant had stolen the money as she had almost the exact amount of cash in her pocket as was reflected in unexplained voids on her register tape on the day she was arrested.

#### ► *Hearsay*

**State of Missouri v. Justin Robinson, No. SD26961 (Mo. App. S.D. May 9, 2006).** Defendant was convicted of murder in the second degree and armed criminal action. On appeal, he claimed that the trial court improperly admitted out of court statements of an unnamed witness that were hearsay.

The evidence at trial showed that defendant stopped the van in which victim was riding, pulled a gun and attempted to pull victim out of the van. When victim ran, defendant threw down the gun and ran after him. Defendant's accomplice picked up the gun and ran after defendant and victim. A shot was fired, victim was hit. Defendant's accomplice had the gun in his hand after the shooting. Victim ultimately died from the gunshot wound. At trial, the state also presented testimony from a police officer that "there was information during one of the interviews, actually a couple of the interviews, to where witnesses told us they overheard information where [defendant and accomplice] were talking about shooting [victim]. And at one point showed a nine millimeter to one person or talked about a nine millimeter to one person."

Defendant claims that this testimony was inadmissible hearsay and that he was prejudiced by its admis-

sion as his defense was that he did not know that his accomplice was going to shoot victim. The court agreed finding that this evidence was offered to prove the truth of the matter asserted and that there was a reasonable probability that a different verdict would have been reached had this evidence not been admitted. The convictions were reversed.

#### ► *Postconviction Motions*

**John W. Crowder v. State of Missouri, No. SD27227 (Mo. App. S.D. May 17, 2006).** Defendant was convicted of assault in the first degree and armed criminal action. His convictions were affirmed on direct appeal. He thereafter filed a Rule 29.15 motion for postconviction relief. This motion was dismissed as the motion court determined it was not timely filed.

On appeal, the court found that although defendant had timely sent his motion to the circuit court, he had neglected to sign it and the motion was returned to him. By the time he signed and returned the motion, the time for filing had passed. The court concluded, however, that when a postconviction movant inadvertently fails to sign his motion, he is entitled to the opportunity to correct the omission. Because defendant was denied that opportunity here, the judgment was reversed.

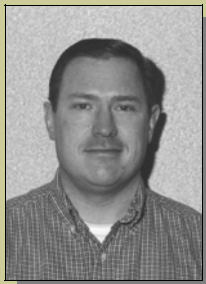
#### ► *Postconviction Motions*

**Cortez D. Pargo v. State of Missouri, No. SD27377 (Mo. App. S.D. May 18, 2006).** Defendant pled guilty to robbery in the second degree in exchange for the state's agreement to recommend a sentence of twelve years. At the plea hearing, the court informed defendant of the need to appear at the sentencing hearing and the possible consequences of failing to do so. Defendant did not appear. After his arrest a short time later, the court sentenced him to twelve years but suspended execution of the sentence and placed him on probation. Three months into his probation, defendant again absconded. He was thereafter arrested and his twelve year sentence was executed.

Defendant then filed a Rule 24.035 motion for postconviction relief claiming that there was not a sufficient factual basis for his plea. This motion was denied and defendant appealed. The appeal was dismissed based on the escape rule.







## JIM GRAY

Jim Gray is serving his 8th year as Dent County Prosecuting Attorney. Prior to becoming Prosecutor, he worked for two years in the Legal Division of the Department of Social Services, and was in his fourth year as the Child Support Enforcement Prosecutor for the 42nd Judicial Circuit, when the elected Prosecutor position came open and he decided to run. He feels that being prosecutor, probably more than any other job, allows him to have a direct impact on the safety and welfare of his community. He says, "seeking justice is more gratifying than seeing how much money I can make."

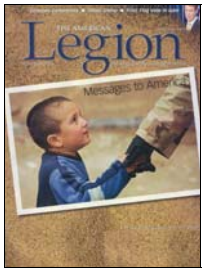
Through experience Gray has learned to always do what he thinks will best serve the people who elected him: take every case seriously; don't feel pressured into filing cases that shouldn't be filed; and don't be afraid to try cases that should be tried.

In recent months he has successfully tried two child molesters who will probably die in prison. Gray says, "it's always a good feeling to remove child molesters from society." But he says that his proudest moment came a few years ago when a meth addict, who murdered three people including a deputy, was convicted and given three death sentences.

When this "part-time prosecutor" finds free time, he plays slow pitch softball from Spring until Fall and bowls in two leagues. He loves football, NASCAR, and playing computer games. He is also an avid reader of history and the classics. He is the father of three "incredible" children, Sydney-10, Garrison-8, and Aric-2.

- ▶ **Last great book he read:** *History of the Kings of Britain* by Geoffrey of Monmouth
- ▶ **Favorite websites:** [www.espn.go.com](http://www.espn.go.com); [www.stlouistoday.com](http://www.stlouistoday.com); [www.cnn.com](http://www.cnn.com); [www.ky3.com](http://www.ky3.com)
- ▶ **Favorite sports teams/athletes:** St. Louis Rams & Kurt Warner. Mark Martin -#6 Ford in NASCAR.





## What Do Prosecutors Do?

by Robert P. McCulloch

May, 2006 - *The American Legion Magazine*

Back in the 1940s and early '50s, in what many regard as the "golden era" of radio drama, one of the more popular programs was "Mr. District Attorney," which began with the announcer saying, "It shall be the duty of the district attorney not only to prosecute all crimes committed within his jurisdiction but to defend with equal vigor the rights and privileges of all its citizens."

Today, the popular TV program "Law & Order" begins with the announcement, "In the criminal justice system, the people are represented by two separate and important groups: the police who investigate crime and the district attorneys who prosecute the offenders...."

Interestingly, the earlier description of the district attorney's mission is more accurate than the second, more recent one. Yes, we do prosecute criminals, but that's not all we do. Our overriding responsibility is to seek truth and justice, regardless of where that search may lead—whether it results in prosecution and conviction, or in some cases, exoneration. This is a far cry from the distorted and, frankly, dishonest image spread by such radio and TV programs as "Perry Mason," in which private investigator Mason continuously outwits the DA, portrayed as a "heavy" interested only in sending people to jail.

Our title varies from state to state. But whether we're called "district attorney" - the most familiar term - or "commonwealth's attorney," "prosecuting attorney," "state attorney," "county attorney," or, as in South Carolina, "solicitor," an historic title dating back to the colonial period, we are, in fact, the people's attorney—the only public officials specifically elected in 45 states and appointed in the rest to represent you in fighting crime.

As prosecutors, we are unique in the law profession. We have only one client, although a collective one: you, the people in our jurisdictions. Our primary responsibility is to protect the rights and safety of the people we serve, including the victims. When you read the familiar criminal charge, "The people of the State of (name) vs. (the defendant)," the people's case is presented in court by the prosecutor.

As a general rule, defense attorneys have considerable leeway in making out-of-court statements during a trial, while prosecutors are severely limited by professional ethics standards in what they can say publicly beyond basic explanation of the charges and related information until after the trial is completed. Too often a DA's obligatory refusal to comment beyond these basic explanations is misconstrued as an effort to hide something.

Although you may see analysts identified as "former federal prosecutors" discussing local crimes on TV talk shows, the fact is that your local district attorney, and his or her counterparts across the country, prosecute more than 95 percent of the crimes in the United States. They also work just as hard to prevent crimes and to rehabilitate young first-time offenders to help them along the path to good citizenship. They are uniquely qualified to do this because they live, work and raise their families in the jurisdictions they serve. They know the territory.

Thus, district attorneys are community leaders, working with civic, religious and educational organizations as well as with social workers and other professionals, often on their own time, to address the roots of crime and make their communities better places in which to live and raise families. While prosecuting criminals, they also work with the victims and their families, addressing their concerns and often assisting them in coping with the violent death of a loved one.

When the people's safety and interests are threatened, they need a champion. Prosecutors fill that role, sometimes at considerable political risk.

Continued on next page

When Paul Gallegos, district attorney of Humboldt County in northern California-timber country-decided that Pacific Lumber had apparently lied to state regulators during a 1999 agreement that capped a decades-long battle to save the state's (which meant the people's) remaining stands of giant redwoods not already protected in parks or reserves, he and his top assistant filed a civil fraud case against the powerful timber firm. Gallegos contended that the fraud had allowed Pacific Lumber to harvest about \$40 million worth of the irreplaceable redwoods each year on 21,000 acres that were supposed to be protected under logging restrictions as part of the 1999 deal. This cost taxpayers \$480 million, the *Los Angeles Times* reported.

The immediate result was a well-financed recall campaign to boot Gallegos out of his job. When it was disclosed that Pacific Lumber had paid \$8 a signature to fill out petitions needed to qualify the recall for the ballot and that the timber company and its contractors had contributed more than 80 percent of the money for the recall campaign-\$266,000 and still counting at election time-the voters of Humboldt County quickly figured out what was going on and who their real friend was. They voted overwhelmingly to retain Gallegos, despite what the *Times* described as "an intensive campaign of radio, TV and direct-mail advertisements that portrayed Gallegos as soft on crime and a friend of illegal tree-sitters, rapists and pot growers." Gallegos rightfully called his victory "a triumph of the people over the influence of money and lies in politics."

Today's real-life prosecutors work with the police forces in their jurisdictions in coordinating anticrime efforts, as well as with federal authorities in multi-jurisdictional situations such as terrorism. As the scope and sophistication of crimes change and increase, prosecutors have created specialized units to deal with such situations as cyber-crime, domestic and child abuse, drug trafficking and gangs. They also use the latest technical tools, including computerization and DNA, to ensure that justice is served. They do all this much too often without regard to what should be a sensible workday or work week, often with inadequate budgets and lean staffs. Approximately 24 percent of the local prosecutors in the United States serve part-time. As a group, prosecutors-except for a very few in the largest metropolitan jurisdictions-are paid much less than a brand-new-law-school graduate earns in his or her first job with a large firm. Obviously they're not doing it for the money.

Across the county, approximately 2,350 local prosecutors' offices try felony cases in state courts. Some, like those in New York, Los Angeles and Chicago, have hundreds of attorneys. Others-the vast majority-are much smaller. In fact, in a number of rural counties, the prosecutor is the staff. The median staff size of local prosecutor' offices in the United States is only nine, which includes attorneys and support staff alike. While much emphasis has been placed over the last decade in beefing up police forces or building more prison cells, the median size of prosecutors' offices has increased by only one person. Ironically, the increase in prosecutors' staff lags far behind the pace of constructing more jail cells to house the criminals they have convicted.

With increasing caseloads and expanding services-victim witness and youth crime prevention, for example-prosecutors face immense challenges in allocating their time. In my jurisdiction, I work with police on a variety of issues, from evidence collection to training. As a community leader, I spend considerable time in community support and crime-prevention programs, as well in victim assistance. All this requires more time in management and caring for our staff-the key element in any office.

However, I still personally try cases, as a reminder to myself and my staff of our primary obligation to the people of our county.

***Bob McCulloch is prosecuting attorney of St. Louis County,  
and past president of both the Missouri Association of Prosecuting Attorneys  
and the National District Attorneys Association.***

## MOPS TRAINING 2006

May 31–June 2, 2006	DWI/Vehicular Homicide Training	Tan-Tar-A Resort, Osage Beach, MO
July 31–August 3, 2006	Trial Advocacy School	Capital Plaza Hotel Jefferson City, MO
August 30–September 1, 2006	MOPS Fall Statewide Training	Lodge of Four Seasons, Lake Ozark, MO

## NATIONAL CLE TRAINING June-July 2006

June 2006

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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4	5	6	7	8	9	10
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June 4-8	Criminal Investigations Course	NCDA	Reno, NV
June 5-9	Bootcamp: An Introduction to Prosecution	NDA	NAC, Columbia, SC ▼
June 5-9	Investigation and Prosecution of Child Fatalities and Physical Abuse	APRI	San Antonio, TX
June 6-9	National Institute on the Prosecution of Sexual Violence	APRI	Monterey, CA
June 12-16	Trial Advocacy II	NDA	NAC, Columbia, SC ▼
June 12-16	True Identity: DNA Fingerprinting in the Courtroom	NDA	NAC, Columbia, SC ▼
June 18-29	Career Prosecutor Course	NCDA	Charleston, SC
June 19-23	Trial Advocacy I	NDA	NAC, Columbia, SC ▼
June 22-24	Successful Partnering for Recovery— NADCP 12th Annual Drug Court Training Conference	NADCP	Seattle, WA
June 26-30	Lethal Weapon	NDA	NAC, Columbia, SC ▼
June 26-30	Finding Words Arkansas (Week #2)	APRI	Rogers, AR

July 2006

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July 10-14	Cybersleuth II	NDA	NAC, Columbia, SC ▼
July 10-14	ChildProtect: Trial Advocacy for Child Protection Attorneys	APRI	St Paul, MN
July 17-21	Prosecutor and the Jury	NDA	NAC, Columbia, SC ▼
July 18-21	National Institute on the Prosecution of Domestic Violence	APRI	Seattle, WA
July 24-28	Trial Advocacy I	NDA	NAC, Columbia, SC ▼
July 24-28	Equal Justice: Investigation and Prosecution of Child Abuse	APRI	Clearwater, FL
July 24-28	Finding Words Missouri - Presented by the MO Network Of Child Advocacy Centers		Columbia, MO
July 24-28	NAPC Summer Conference	NAPC	Santa Fe, NM
July 28-30	NDA Board of Directors Meeting	NDA	Santa Fe, NM
July 30-Aug 2	NDA 2006 Summer Conference	NDA	Santa Fe, NM
July 30-Aug 2	National Forum on Criminal Justice & Public Safety Gathering Threats to America's Safety	NCJA	Baltimore, MD
July 31-Aug 4	Trial Advocacy II	NDA	NAC, Columbia, SC ▼



# NATIONAL CLE TRAINING August-December 2006

## August 2006

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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## September 2006

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## November 2006

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## December 2006

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31						

Aug 2-5	<b>AGACL's Capital Litigation Conference</b>	AGACL	San Diego, CA
Aug 7-11	<b>Trial Advocacy I</b>	NDA	NAC, Columbia, SC ▼
Aug 14-17	<b>True Identity: DNA Fingerprinting in the Courtroom</b>	APRI	Las Vegas, NV
Aug 14-18	<b>National Institute on the Prosecution of Sexual Violence</b>	APRI	Las Vegas, NV
Aug 21-25	<b>Trial Advocacy I</b>	NDA	NAC, Columbia, SC ▼
Aug 28-31	<b>Unsafe Havens II</b>	NDA	NAC, Columbia, SC ▼
Aug 28-30	<b>Hitting the Mark: Introduction to Gun Violence Prosecutions</b>	APRI	Chicago, IL
Aug 28-31	<b>Cross Examination</b>	NDA	NAC, Columbia, SC ▼
Aug 28-31	<b>Beyond Finding Words</b>	APRI	Indianapolis, IN
Sept 6-8	<b>Gangs Symposium</b>	NDA	NAC, Columbia, SC ▼
Sept 10-14	<b>Evidence for Prosecutors</b>	NCDA	Providence, RI
Sept 11-14	<b>When Child Abuse Hits Home: Investigating, Proving and Assessing Reunification in Civil Child Protection Cases</b>	APRI	Missoula, MT
Sept 11-15	<b>National Institute on the Prosecution of Domestic Violence</b>	APRI	San Diego, CA
Sept 18-21	<b>Prosecutor and the Media</b>	NDA	NAC, Columbia, SC ▼
Sept 19-22	<b>Cross-Examination</b>	NDA	NAC, Columbia, SC ▼
Sept 20-22	<b>National Association for Justice Information Systems Conference</b>	NAJIS	Aventura, FL
Sept 25-27	<b>Hitting the Mark: Introduction to Gun Violence</b>	APRI	Jackson Hole, WY
Sept 25-29	<b>Trial Advocacy I</b>	NDA	NAC, Columbia, SC ▼
Sept 25-29	<b>Finding Words Arkansas (Week #3)</b>	APRI	Rogers, AR
Sept 25-29	<b>Finding Words Virginia (Week #3)</b>	APRI	Richmond, VA
Oct 3-5	<b>3rd National Community Prosecution Conference</b>	APRI	San Diego, CA
Oct 14-18	<b>Executive Program</b>	NCDA	Park City, UT
Oct 22-26	<b>16th Annual National Conference on Domestic Violence</b>	NCDA	Houston, TX
Oct 23-27	<b>Finding Words Delaware (Week #3)</b>	APRI	Newark, DE
Oct 29-Nov 2	<b>Prosecuting Drug Cases</b>	NCDA	New Orleans, LA
Nov 12-16	<b>Prosecuting Homicide Cases</b>	NCDA	Savannah, GA
Nov 13-17	<b>Finding Words Missouri - Presented by the MO Network Of Child Advocacy Centers</b>		Union, MO
Nov 16-18	<b>NDA Board of Directors Meeting</b>	NDA	Scottsdale, AZ
Nov 19	<b>APRI Board of Directors Meeting</b>	APRI	Scottsdale, AZ
Nov 26-30	<b>Prosecuting Sexual Assaults and Related Violent Crimes</b>	NCDA	San Diego, CA
Dec 3-7	<b>Government Civil Practice</b>	NCDA	Las Vegas, NV
Dec 4-8	<b>National Institute on the Prosecution of Domestic Violence</b>	APRI	Charleston, SC
Dec 5-9	<b>NAPC Winter Meeting</b>	NAPC	Perdido Beach, AL
Dec 10-14	<b>Forensic Evidence</b>	NCDA	San Francisco, CA

**FOR INFORMATION ON NATIONAL COURSES:** National District Attorneys Association (NDA) - (703) 549-9222 <http://www.ndaa.org/>

American Prosecutors Research Institute (APRI) - (703) 549-4253 <http://www.ndaa-apri.org> National College of District Attorneys (NCDA) - (803) 705-5005 <http://www.law.sc.edu/ncda/>

▼ All expenses including accommodations, transportation and meals are covered or reimbursed by the NAC, and no tuition is charged.  
Please remember that all applications must be signed by the Elected Prosecutor.

MISSOURI OFFICE OF PROSECUTION SERVICES  
FUNDED BY THE MISSOURI DIVISION OF HIGHWAY SAFETY  
**DWI/VEHICULAR HOMICIDE CONFERENCE**  
Tan-Tar-A Resort, Osage Beach, MO  
May 31- June 2, 2006

**REGISTRATION FORM**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**COUNTY:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**AGENCY:** \_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_

You will be responsible for the cost of your hotel room should you need one. We are holding a block of rooms at Tan-Tar-A Resort, Osage Beach, for Wednesday and Thursday nights. The room rate is \$79.00 per night inclusive of lodging tax. The block of rooms is available until April 30. After the 30th, it will depend on availability. You may make reservations by calling Tan-Tar-A at 1-800-826-8272. Be sure to mention that you will be attending the conference sponsored by The Missouri Office of Prosecution Services in order to secure our room rate. On Thursday, June 1, there will be a noon luncheon for attendees and speakers which is covered in the registration fee. Registration for this conference is \$60.00 per person. **Please make your check payable to "MOPS Revolving Fund."** The registration fee must be paid by May 30 in order to attend the conference. **This program is POST accredited for law enforcement officers.**

Please return this form along with your check for \$60.00 made payable to **MOPS Revolving Fund** to:  
Missouri Office of Prosecution Services  
DWI/Vehicular Homicide Seminar  
P. O. Box 899  
Jefferson City, Missouri 65102

Please copy and distribute throughout prosecutor offices and law enforcement agencies.

**REGISTRATION FORM  
TRIAL ADVOCACY SCHOOL  
July 31-August 3, 2006**

**Name of Applicant:** \_\_\_\_\_

**County/Office:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

**STATISTICS**

**Year admitted to the Bar:** \_\_\_\_\_

**Years in prosecution:** \_\_\_\_\_

**Number of felony jury trials:** \_\_\_\_\_

**Number of misdemeanor jury trials:** \_\_\_\_\_

**Number of non-jury trials (excluding traffic):** \_\_\_\_\_

**Return to: Missouri Office of Prosecution Services  
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*Registrations are due in the MOPS office by June 16, 2006*

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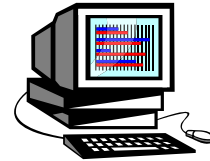
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**MISSOURI PROSECUTOR**

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**MISSOURI OFFICE OF PROSECUTION SERVICES  
PO BOX 899  
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***Mission Statement: To improve Missouri's Criminal Justice System by promoting professional prosecution by enhancing  
funding and training for prosecutors; by advancing the interests and the image of Missouri prosecutors and to  
facilitate communication among and between prosecutors and the criminal justice community.***